

REMARKS

Claims 1-13 and 21-44 currently remain in the application. Claims 1, 21, 24 and 35 have been amended.

Rejections under 35 U.S.C. § 103

The Examiner rejected claims 1-13, 21-44 U.S.C. 103 (a) as being unpatentable over Stupak et al. (5, 851, 147) in view of Kelly (US patent No. 6015344). The rejection is respectfully traversed.

As is clear from the background and specification, Stupak describes method of allowing a game player to change the odds of winning individual cash awards in a combination of cash awards defined by a payable on the gaming machine. As Examiner has noted, Stupak does not teach selecting or awarding non-cash prizes. Kelly describes awarding and redeeming non-cash prizes.

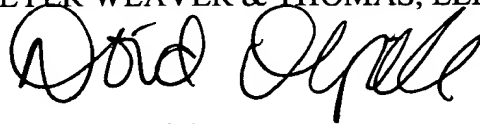
In Kelly, when a non-cash prize is awarded as one of the outcomes of a game played and when the non-cash prize is awarded based on the outcome of that game only and independent of any previous games played on the gaming machine (Kelly refers to these prizes as “instant prizes”, the game player is not allowed to select which instant prize can be won for the game. This differs from the present invention because the game player of the present invention is allowed to select a non-cash prize that may be won as a result of the outcome of game of chance played immediately followed the selection of the non-cash prize. As described in the remaining claims of the present invention, the gaming machine is operable to allow a game player to select a non-cash prize and to award the selected non-cash prize as a result of only the game of chance to be played following the prize selection and independent of any previous games of chance played on the gaming machine.

Further, in Kelly, when a player has accumulated enough tickets, the gaming machine allows a player to redeem a prize from a selection of prizes based upon how many tickets they have accumulated during previous game plays. In contrast, in the present invention, the gaming machine is operable to only redeem selected non-cash prizes that are awarded as a result of only the game of chance to be played following the prize selection and independent of any previous games of chance played on the gaming machine. Thus, the present invention allows pre-selection of non-cash prizes that are awarded as a result of the game of chance immediately following the selection and Kelly does not while Kelly allows selection from a number of prizes for redemption based upon how many tickets a player has accumulated in previous games while the present invention does not. Therefore, the combination of Stupak and Kelly does not teach the

limitations of the remaining claims. Further, the award and redemption methods of Kelly, which do not provide selection of instant prizes and are designed to allow a player to select from a number of non-cash prizes for redemption teach away from the prize selection and award methods of the present invention. Therefore, since the combination Stupak and Kelly do not teach the limitations of the present invention as recited in the remaining claims and Kelly teaches away from the present invention, the combination of Stupak and Kelly can't be said to render obvious the invention as recited in claims 1-13 and 21-44 and the objection is believed overcome thereby.

Applicant believes that all pending claims are allowable and respectfully requests a Notice of Allowance for this application from the Examiner. Should the Examiner believe that a telephone conference would expedite the prosecution of this application, the undersigned can be reached at the telephone number set out below.

Respectfully submitted,
BEYER WEAVER & THOMAS, LLP

A handwritten signature in black ink, appearing to read "David Olynick", written over the printed name.

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